

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 00-6273-CR-HUCK

UNITED STATES OF AMERICA,)
)
)
v.)
)
)
ARIEL HERNANDEZ, et al.,)
)
Defendants.)
_____)

NOTICE OF FILING

The undersigned counsel for the United States of America submits this Notice of Filing of the tapes and transcripts which were admitted and played during the trial of the above-referenced case. The government files these trial exhibits following an order dated October 16, 2003, of the Eleventh Circuit Court of Appeals, granting the government's motion to supplement the record. See Exhibit A. The tapes and transcripts should be made part of the record on appeal. The list of tapes and the corresponding transcript is contained below. Along with each tape is the accompanying transcript which is denoted by the letter A, i.e., GX 501A is the transcript of the tape recording which is GX 501, with exceptions as noted below.

658
A.H

TAPE

Transcript

GX 10 - 3/27/99

Tape recording /A. Hernandez &
Det. Ilarazza

GX 11

GX 12A

Redacted 3/28/99
Taped Statement of
A. Hernandez

GX 13A

Redacted 3/28/99
Transcript of taped statement of
A. Hernandez

GX 14- 4/1/99

Taped Statement of F. Massaro

GX 15

GX143 - 11/13/98

Recorded conversation between
Massaro & Alwais

GX 143A

GX144 - 11/16/98

Recorded conversation between
Massaro & Alwais

GX 144A

GX145 - 12/4/98

Recorded conversation between
Massaro & Alwais

GX 145A

GX146 - 1/28/99

Recorded conversation between
Massaro & Alwais

GX 146A

GX501

CN: 58 PN: 7512
Date: 3/19/99 Time: 12:33pm

GX 501A

GX502 -

CN: 68 PN: 7512 Date: 3/19/99
Time: 2:39pm
T-III tape recorded conversation

GX 502A

GX503 -

CN: 69 PN: 7512 Date: 3/19/99
Time: 2:42pm
T-III tape recorded conversation

GX 503A

GX504 - CN: 70 PN: 7512 Date: 3/19/99 Time: 2:49pm T-III tape recorded conversation	GX 504A
GX505- CN: 71 PN: 7512 Date: 3/19/99 Time: 2:49pm T-III tape recorded conversation	GX 505A
GX506- CN: 78 PN: 7512 Date: 3/19/99 Time: 3:07pm T-III tape recorded conversation	GX 506A
GX507- CN: 79 PN: 7512 Date: 3/19/99 Time: 3:12pm T-III tape recorded conversation	GX 507A
GX508- CN: 80 PN: 7512 Date: 3/19/99 Time: 3:13pm T-III tape recorded conversation	GX 508A
GX509- CN: 88 PN: 7512 Date: 3/19/99 Time: 4:28pm T-III tape recorded conversation	GX 509A
GX510- CN: 262 PN: 2929 Date: 3/20/99 Time: 12:31am T-III tape recorded conversation	GX 510A
GX511- CN: 264 PN: 2929 Date: 3/20/99 Time: 12/32am T-III tape recorded conversation	GX 511A
GX512- CN: 23 PN: 3020 Date: 3/20/99 Time: 11:00am T-III tape recorded conversation	GX 512A
GX513 CN: 24 PN: 3020 Date: 3/20/99 Time: 11:51am T-III tape recorded conversation	GX 513A

GX514- GX 514A
CN: 102 PN: 7512 Date: 3/20/99
Time: 3:43pm
T-III tape recorded conversation

GX515- GX 515A
CN: 293 PN: 2929 Date: 3/20/99
Time: 5:13pm
T-III tape recorded conversation

GX516- GX 516A
CN: 109 PN: 7512 Date: 3/20/99
Time: 6:25pm
T-III tape recorded conversation

GX517- GX 517A
CN: 111 PN: 7512 Date: 3/20/99
Time: 6:34pm
T-III tape recorded conversation

GX518- GX 518A
CN: 316 PN: 2929 Date: 3/20/99
Time: 7:01pm
T-III tape recorded conversation

GX519- GX 519A
CN: 112 PN: 7512 Date: 3/20/99
Time: 8:52pm
T-III tape recorded conversation

GX520 - GX 520A
CN: 113 PN: 7512 Date: 3/20/99
Time: 9:02pm
T-III tape recorded conversation

GX521 - GX 521A
CN: 114 PN: 7512 Date: 3/20/99
Time: 9:03pm
T-III tape recorded conversation

GX522- GX 522A
CN: 115 PN: 7512 Date: 3/20/99
Time: 9:04pm
T-III tape recorded conversation

GX523- GX 523A
CN: 44 PN: 3020 Date: 3/20/99
Time: 10:42pm
T-III tape recorded conversation

GX524- GX 524A
CN: 116 PN: 7512 Date: 3/20/99
Time: 10:52pm
T-III tape recorded conversation

GX525- GX 525A
CN: 117 PN: 7512 Date: 3/20/99
Time: 10:53pm
T-III tape recorded conversation

GX526- GX 526A
CN: 45 PN: 3020 Date: 3/20/99
Time: 11:39pm
T-III tape recorded conversation

GX527- GX 527A
CN: 46 PN: 3020 Date: 3/20/99
Time: 11:40pm
T-III tape recorded conversation

GX528 - GX 528A
CN: 119 PN: 7512 Date: 3/21/99
Time: 1:49am
T-III tape recorded conversation

GX529- GX 529A
CN: 124 PN: 7512 Date: 3/21/99
Time: 12:04pm
T-III tape recorded conversation

GX530- GX 530A
CN: 373 PN: 2929 Date: 3/21/99
Time: 5:01pm
T-III tape recorded conversation

GX531- GX 531A
CN: 133 PN: 7512 Date: 3/21/99
Time: 7:48pm
T-III tape recorded conversation

GX532- GX 532A
CN: 139 PN: 7512 Date: 3/21/99
Time: 10:52pm
T-III tape recorded conversation

GX533- GX 533A
CN: 469 PN: 2929 Date: 3/22/99
Time: 12:56pm
T-III tape recorded conversation

GX534- GX 534A
CN: 474 PN: 2929 Date: 3/22/99
Time: 1:44pm
T-III tape recorded conversation

GX535- GX 535A
CN: 496 PN: 2929 Date: 3/22/99
Time: 4:02pm
T-III tape recorded conversation

GX536- GX 536A
CN: 532 PN: 2929 Date: 3/22/99
Time: 7:48pm
T-III tape recorded conversation

GX537- GX 537A
CN: 179 PN: 7512 Date: 3/23/99
Time: 10:51am
T-III tape recorded conversation

GX538- GX 538A
CN: 187 PN: 7512 Date: 3/23/99
Time: 12:01pm
T-III tape recorded conversation

GX539- GX 539A
CN: 196 PN: 7512 Date: 3/23/99
Time: 2:31pm
T-III tape recorded conversation

GX540- GX 540A
CN: 626 PN: 2929 Date: 3/23/99
Time: 10:59pm
T-III tape recorded conversation

GX541- GX 541A
CN: 630 PN: 2929 Date: 3/24/99
Time: 1:07am
T-III tape recorded conversation

GX542- GX 542A
CN: 218 PN: 7512 Date: 3/24/99
Time: 7:42pm
T-III tape recorded conversation

GX543- GX 543A
CN: 229 PN: 7512 Date: 3/25/99
Time: 12:42pm
T-III tape recorded conversation

GX544- GX 544A
CN: 174 PN: 3020 Date: 3/25/99
Time: 1:38pm
T-III tape recorded conversation

GX545- GX 545A
CN: 817 PN: 2929 Date: 3/25/99
Time: 5:40pm
T-III tape recorded conversation

GX546- GX 546A
CN: 256 PN: 7512 Date: 3/26/99
Time: 1:27pm
T-III tape recorded conversation

GX547- GX 547A
CN: 958 PN: 2929 Date: 3/27/99
Time: 12:34am
T-III tape recorded conversation

GX548- GX 548A
CN: 275 PN: 7512 Date: 3/27/99
Time: 2:09am
T-III tape recorded conversation

GX549- GX 549A
CN: 200 PN: 3020 Date: 3/27/99
Time: 11:42am
T-III tape recorded conversation

GX550- GX 550A
CN: 201 PN: 3020 Date: 3/27/99
Time: 12:24pm
T-III tape recorded conversation

GX551- GX 551A
CN: 280 PN: 7512 Date: 3/27/99
Time: 3:42pm
T-III tape recorded conversation

GX552- GX 552A
CN: 287 PN: 7512 Date: 3/27/99
Time: 5:14pm
T-III tape recorded conversation

GX553- GX 553A
CN: 288 PN: 7512 Date: 3/27/99
Time: 5:50pm
T-III tape recorded conversation

GX554- GX 554A
CN: 291 PN: 7512 Date: 3/27/99
Time: 6:51pm
T-III tape recorded conversation

GX555- GX 555A
CN: 296 PN: 7512 Date: 3/27/99
Time: 7:45pm
T-III tape recorded conversation

GX557- GX 557A
CN: 1027 PN: 2929 Date: 3/27/99
Time: 8:53pm
T-III tape recorded conversation

GX558- GX 558A
CN: 1082 PN: 2929 Date: 3/28/99
Time: 11:46pm
T-III tape recorded conversation

GX559- GX 559A
CN: 1086 PN: 2929 Date: 3/29/99
Time: 2:22pm
T-III tape recorded conversation

GX560B- Redacted Tape
CN: 241 PN:3020 Date: 3/29/99
Time: 11:13am T-III tape recorded conversation

GX 560C

GX561-
CN: 1113 PN: 2929 Date: 3/29/99
Time: 6:11pm
T-III tape recorded conversation

GX 561A

GX562-
CN: 1156 PN: 2929 Date: 3/30/99
Time: 12:06am
T-III tape recorded conversation

GX 562A

GX563-
CN: 322 PN: 7512 Date: 3/30/99
Time: 1:41am
T-III tape recorded conversation

GX 563A

GX565-
CN: 328 PN:7512 Date: 3/30/99
Time: 4:43pm
T-III tape recorded conversation

GX 565A

GX566-
CN: 59 PN: 7513 Date: 3/31/99
Time: 1:13pm
T-III tape recorded conversation

GX 566A

GX567-
CN: 331 PN: 3020 Date: 4/1/99
Time: 9:24pm
T-III tape recorded conversation

GX 567A

GX568-
CN: 351 PN: 7512 Date: 4/1/99
Time: 9:32am
T-III tape recorded conversation

GX 568A

GX569-
CN: 352 PN: 7512 Date: 4/1/99
Time: 11:59am
T-III tape recorded conversation

GX 569A

GX570- GX 570A
CN: 353 PN: 7512 Date: 4/1/99
Time: 11:50am
T-III tape recorded conversation

GX571- GX 571A
CN: 104 PN: 7513 Date: 4/1/99
Time: 11:57am
T-III tape recorded conversation

GX572- GX 572A
CN: 356 PN: 7512 Date: 4/1/99
Time: 12:44pm
T-III tape recorded conversation

GX574- GX 574A
CN: 106 PN: 7513 Date: 4/1/99
Time: 1:41pm
T-III tape recorded conversation

GX575- GX 575A
CN: 108 PN: 7513 Date: 4/1/99
Time: 1:55pm
T-III tape recorded conversation

GX578- GX 578A
CN: 120 PN: 7513 Date: 4/1/99
Time: 5:23pm
T-III tape recorded conversation

GX579- GX 579A
CN: 142 PN: 7513 Date: 4/2/99
Time: 4:47pm

GX581- GX 581A
CN: 371 PN: 7512 Date: 4/2/99
Time: 7:43pm
T-III tape recorded conversation

GX582- GX 582A
CN: 384 PN: 7512 Date: 4/3/99
Time: 5:55pm
T-III tape recorded conversation

GX583- GX 583A
CN: 520 PN: 7512 Date: 4/13/99
Time: 11:32am
T-III tape recorded conversation

GX584- GX 584A
CN: 2744 PN: 2929 Date: 4/20/99
Time: 11:45pm
T-III tape recorded conversation

GX585B- GX 585C
Redacted Tape CN: 662 PN: 7512
Date: 4/21/99
Time 3:44 pm T-III tape recorded conversation

GX586- GX 586A
CN: 2826 PN: 2929 Date: 4/21/99
Time: 8:25pm
T-III tape recorded conversation

GX587- GX 587A
CN: 2834 PN: 2929 Date: 4/21/99
Time: 10:19pm
T-III tape recorded conversation

GX588- GX 588A
CN: 688 PN: 7512 Date: 4/21/99
Time: 10:27pm
T-III tape recorded conversation

GX589- GX 589A
CN: 871 PN: 3020 Date: 4/22/99
Time: 7:16am
T-III tape recorded conversation

GX590- GX 590A
CN: 873 PN: 3020 Date: 4/22/99
Time: 7:32am
T-III tape recorded conversation

GX591- GX 591A
CN: 875 PN: 3020 Date: 4/22/99
Time: 8:07am

GX592- GX 592A
CN: 2887 PN: 2929 Date: 4/22/99
Time: 6:59pm
T-III tape recorded conversation

GX593B- Redacted Tape GX 593C

GX594- GX 594A
CN: 762 PN: 7512 Date: 4/25/99
Time: 5:08pm
T-III tape recorded conversation

GX595- GX 595A
CN: 766 PN: 7512 Date: 4/25/99
Time: 5:27pm
T-III tape recorded conversation

GX596- GX 596A
CN: 769 PN: 7512 Date: 4/25/99
Time: 8:49pm
T-III tape recorded conversation

GX597- GX 597A
CN: 3306 PN: 2929 Date: 4/27/99
Time: 1:12pm
T-III tape recorded conversation

GX599- GX 599A
CN: 1087 PN: 3020 Date: 4/27/99
Time: 1:15pm
T-III tape recorded conversation

GX600- GX 600A
CN: 825 PN: 7512 Date: 4/27/99
Time: 1:32pm
T-III tape recorded conversation

GX601- GX 601A
CN: 828 PN: 7512 Date: 4/27/99
Time: 2:00pm
T-III tape recorded conversation

GX602- GX 602A
CN: 829 PN: 7512 Date: 4/27/99
Time: 2:09pm

GX603- GX 603A
CN: 3394 PN: 2929 Date: 4/28/99
Time: 12:48am
T-III tape recorded conversation

GX604- GX 604A
CN: 3402 PN: 2929 Date: 4/28/99
Time: 12:12pm
T-III tape recorded conversation

GX605- GX 605A
CN: 3447 PN: 2929 Date: 4/28/99 -
Time: 8:37pm
Time 3:44 pm T-III tape recorded
conversation

GX606- GX 606A
CN: 912 PN: 7512 Date: 4/29/99
Time: 10:00pm
T-III tape recorded conversation

GX607- GX 607A
CN: 915 PN: 7512 Date: 4/30/99
Time: 11:37am
T-III tape recorded conversation

GX608- GX 608A
CN: 935 PN: 7512 Date: 4/30/99
Time: 4:26pm
T-III tape recorded conversation

GX609- GX 609A
CN: 3621 PN: 2929 Date: 4/30/99
Time: 10:13pm

GX610- GX 610A
CN: 950 PN: 7512 Date: 5/1/99
Time: 12:27pm
T-III tape recorded conversation

GX611- GX 611A
CN: 3783 PN: 2929 Date: 5/2/99
Time: 9:50pm
T-III tape recorded conversation

GX612- GX 612A
CN: 3786 PN: 2929 Date: 5/2/99
Time: 9:56pm
T-III tape recorded conversation

GX613- GX 613A
CN: 3866 PN: 2929 Date: 5/3/99
Time: 10:11pm
T-III tape recorded conversation

GX614- GX 614A
CN: 1374 PN: 3020 Date: 5/5/99
Time: 10:40am
T-III tape recorded conversation

GX615- GX 615A
CN: 3935 PN: 2929 Date: 5/5/99
Time: 11:00am
T-III tape recorded conversation

GX616- GX 616A
CN: 4104 PN: 2929 Date: 5/7/99
Time: 12:32am
T-III tape recorded conversation

GX617- GX 617A
CN: 1432 PN: 3020 Date: 5/7/99
Time: 6:10pm
T-III tape recorded conversation

GX618- GX 618A
CN: 4303 PN: 2929 Date: 5/9/99
Time: 6:42pm
T-III tape recorded conversation

GX620- GX 620A
CN: 1297 PN: 7512 Date: 5/14/99
Time: 9:58pm
T-III tape recorded conversation

GX621- GX 621A
CN: 1299 PN: 7512 Date: 5/14/99
Time: 10:26pm
T-III tape recorded conversation

GX622- GX 622A
CN: 4751 PN: 2929 Date: 5/14/99
Time: 10:30pm
T-III tape recorded conversation

GX623- GX 623A
CN: 1586 PN: 3020 Date: 5/15/99
Time: 10:48am
T-III tape recorded conversation

GX625- GX 625A
CN: 1332 PN: 7512 Date: 5/17/99
Time: 1:04pm
T-III tape recorded conversation

GX626- GX 626A
CN: 4968 PN: 2929 Date: 5/17/99
Time: 10:07pm
T-III tape recorded conversation

GX627- GX 627A
CN: 1377 PN: 7512 Date: 5/19/99
Time: 5:31pm
T-III tape recorded conversation

GX628- GX 628A
CN: 1411 PN: 7512 Date: 5/21/99
Time: 7:30pm
T-III tape recorded conversation

GX629- GX 629A
CN: 1424 PN: 7512 Date: 5/23/99
Time: 8:25pm
T-III tape recorded conversation

GX630- GX 630A
CN: 7610 PN: 2929 Date: 6/15/99
Time: 8:00pm
T-III tape recorded conversation

GX631- GX 631A
CN: 7618 PN: 2929 Date: 6/15/99
Time: 10:13pm
T-III tape recorded conversation

GX633- GX 633A
Consensual recorded conversation Tape
Number 6BD dated 11/12/98

GX641 - GX 641A
CN: 161 PN: 7512 Date: 3/22/99
Time: 3:40pm
T-III tape recorded conversation

GX642- GX 642A
CN: 522 PN: 2929 Date: 3/22/99
Time: 6:51pm
T-III tape recorded conversation

GX643- GX 643A
CN: 185 PN: 7512 Date: 3/23/99
Time: 11:40 am
T-III tape recorded conversation

GX644- GX 644A
CN: 401 PN: 7512 Date: 4/5/99
Time: 3:27pm
T-III tape recorded conversation

WHEREFORE, the United States of America files this Notice of Filing along with seven boxes containing the tapes and transcripts listed above..

Respectfully submitted,

MARCOS D. JIMENEZ
UNITED STATES ATTORNEY

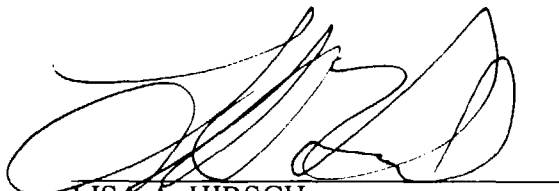
By:



LISA A. HIRSCH
Assistant U.S. Attorney
99 N.E. 4th Street
Suite 500
Miami, Florida 33132-2111
(305) 961-9214
Florida Bar #0691186

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent by U.S. Mail this 29th day of October, 2003 to: Richard L. Rosenbaum, Esquire, 350 E. Las Olas Boulevard, Suite 1700, Fort Lauderdale, Florida 33301; Jeffrey Weinkle, Esquire, 1035 N.W. 11th Avenue, Miami, Florida 33136; Stephen Rosen, 1221 Brickell Avenue, Suite 1020, Miami, Florida 33131; and Donald F. Samuel, 3151 Maple Drive, N.E., Atlanta, Georgia 30305.

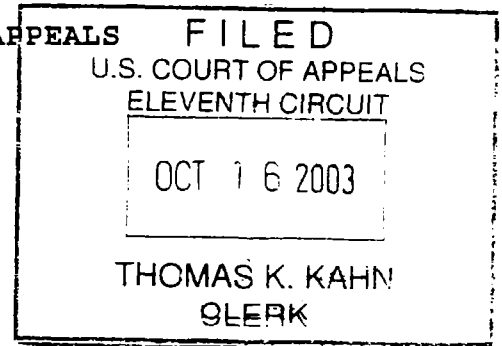


LISA A. HIRSCH
Assistant U.S. Attorney

EXHIBIT A

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 02-12352-AA



UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FREDERICK J. MASSARO,
ARIEL HERNANDEZ,
ANTHONY TRENTACOSTA,
a.k.a. Tony Pep

Defendants-Appellants.

On Appeal from the United States District Court for the
Southern District of Florida

BEFORE: TJOFLAT and CARNES, Circuit Judges.

BY THE COURT:

On June 23, 2003, Appellee filed a motion to supplement the record on appeal. Upon review of that motion and Appellant Hernandez' response, this Court remanded the matter on a limited basis to the District Court for purposes of clarifying the record and determining what tapes were played to the jury and when during trial they were played.

On September 17, 2003, the District Court entered an Order adopting and ratifying the parties' stipulation regarding reconstruction of the record. In light of that Order and the parties' stipulation, Appellee's Motion to Supplement is GRANTED.